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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,190	03/31/2004	Kathleen Tyson-Quah	126-001USAND0	7517

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Thomas J. Perkowski, Esq., P.C.
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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3692

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05/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/815,190	Applicant(s) TYSON-QUAH, KATHLEEN	
	Examiner Frantzy Poinvil	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-56 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-12, drawn to a system for reducing payments risk, liquidity risk and systemic risk associated with payments-based transactions, classified in class 705, subclass 38.
 - II. Claims 13-24, drawn to a method for reducing payments risk, liquidity risk, and systemic risk in a system supporting a plurality of third party host applications, a plurality of user host applications, classified in 705, subclass 38
 - III. Claim 25, drawn to a global computer-based system for mitigating risk arising in connection with foreign exchange settlements and other payments between financial market participants, classified in class 705, subclass 38.
 - IV. Claim 26, drawn to a computer-based payment risk management system, wherein a mechanism is provided for controlling payment flows within a single domestic payment system and globally through a multi-currency implementation so that payment risk is reduced between counterparties, classified in class 705, subclass 38.
 - V. Claim 27, drawn to a computer-based payment risk management system, wherein a mechanism is provided for reducing payments risk arising for an account holder

within a single currency, as well as cross-border payments risk arising from payments in a plurality of currencies, classified in class 705, subclass 38.

- VI. Claim 28, drawn to a computer-based payment risk management system, wherein a mechanism is provided for controlling payments risk for all payment flows, whether arising from foreign exchange transactions or other payment types, classified in class 705, subclass 39.
- VII. Claim 29, drawn to a computer-based payment risk management system, wherein a mechanism is provided for enabling a participant to unilaterally control his risk vis-a-vis a particular payments counterparty, without the necessity for the counterparty's agreement or cooperation, classified in class 705, subclass 38.
- VIII. Claim 30, drawn to a computer-based payment risk management system, wherein a mechanism is provided for allowing participants to more efficiently manage their current business, reduce Overhead, improve returns on capital, and support new business with counterparties by reducing payments risk and enabling more efficient liquidity and credit risk management, classified in class 705, subclass 39.
- IX. Claim 31, drawn to an Internet-based computer-based system, wherein separate accounts can be flexibly aggregated or disaggregated by participants for risk

management and reporting purposes to promote effective oversight of group or individual participant use of the system, classified in class 705, subclass 39.

- X. Claim 32, drawn to an Internet-based computer-based system, wherein separate counterparty accounts can be flexibly aggregated or disaggregated for risk management purposes and reporting purposes according to participant assessment of risk correlation between affiliated, connected or similar counterparties, classified in class 705, subclass 38.
- XI. Claim 33, drawn to a computer-based system, wherein payment flows with a counterparty or counterparties in a plurality of currencies can be flexibly aggregated for risk management purposes and reporting purposes, classified in class 705, subclass 40.
- XII. Claim 34, drawn to a computer-based payments risk reduction system that is consistent with and complementary to the existing network for inter-bank financial communications (S.W.I.F.T.) and the internet protocol networks increasingly used by financial institutions, classified in class 705, subclass 40.
- XIII. Claim 35, drawn to a computer-based payments risk reduction system which allows individual participants to determine unilaterally their tolerances for payment risk according to counterparty, currency and payment type, classified in class 705, subclass 38.

- XIV. Claim 36, drawn to a computer-based payments risk reduction system, wherein participants can view, enter and alter their risk parameters for counterparties, currencies and payment types on a real-time basis, classified in class 705, subclass 38.
- XV. Claim 37, drawn to a computer-based payments risk reduction system, wherein the payment parameters of account holders can be entered into the database of the system by way of screen-entry, batch-entry or integration with internal systems processes, classified in class 705, subclass 38.
- XVI. Claim 38, drawn to a computer-based payments risk reduction system, wherein payments risk can be controlled in an automated manner through integration with the existing payments systems operating within payment banks directly connected to domestic payments systems, classified in class 705, subclass 38.
- XVII. Claim 39, drawn to a computer-based payments risk reduction system, wherein a mechanism is provided for enabling payment banks to integrate the system host application in a modular fashion in connection with their participation in domestic payment systems with a high degree of openness, flexibility and interoperability, classified in class 705, subclass 38.
- XVIII. Claim 40, drawn to a computer-based payments risk reduction, wherein a mechanism is provided for monitoring payment flows and reporting exception

situations which may indicate a counterparty payment failure, classified in class 705, subclass 38.

XIX. Claim 41, drawn to a computer-based payments risk reduction system for use by a payment bank, wherein a mechanism is provided for notifying account holders of payment problems intra-day, enabling them to take such actions as will forestall any adverse impact on liquidity in that and other currencies, classified in class 705, subclass 38.

XX. Claim 42, drawn to a computer-based payments risk reduction system, wherein a mechanism is provided for inquiring into exception situations between participants, counterparties and payment banks, and facilitating earlier corrective action or remedial action as appropriate, classified in class 705, subclass 39.

XXI. Claim 43, drawn to a computer-based payments risk reduction, wherein account holders can notify payment banks in real-time and their wish to suspend any further payments to an individual counterparty, classified in class 705, subclass 38.

XXII. Claim 44, drawn to a computer-based payments risk reduction system for use within a payment bank, having a mechanism for efficiently and effectively suspending any further payments to a particular counterparty on behalf of an

account holder, following receipt of a request from an account holder to do so, classified in class 705, subclass 40.

XXIII. Claim 45-46, drawn to a computer-based system enabling automated calculation of global risk positions based on payments activities in multiple payments systems, classified in class 705, subclass 38.

XXIV. Claim 47-56, drawn to a computer-based system, wherein a mechanism is provided for reducing the systemic risk that a payment failure by one market counterparty may lead to failure of contingent payments down a chain of interrelated payments transactions, and thereby threaten the liquidity and integrity of payment and banking systems within a single market or globally, classified in class 705, subclass 38.

The inventions are distinct, each from the other because of the following reasons:

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06).

In the instant case the different inventions are unrelated because as can be seen each of the inventions intends to accomplish a different result using different means, steps or functions.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter,

restriction for examination purposes as indicated is proper.

2. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Frantzy Poinvil/
Primary Examiner
Art Unit 3692**

FP
May 22, 2008